verification monitoring plan in LAC 33:IX.2525.C.2.d.iv and require that the proposed monitoring begin at the start of operations of the cooling water intake structure and continue for a sufficient period of time to demonstrate that the technologies, operational measures, and restoration measures meet the requirements in LAC 33:IX.2523.D.1. Under subsequent permits, the state administrative authority must review the performance of the additional and/or different technologies or measures used and determine that they reduce the level of adverse environmental impact from the cooling water intake structures to a comparable level that the facility would achieve were it to implement the requirements of LAC 33:IX.2523.B.1 and 2.

2. Monitoring Conditions. At a minimum, the permit must require the permittee to perform the monitoring required in LAC 33:IX.2526. The state administrative authority may modify the monitoring program when the permit is reissued and during the term of the permit based on changes in physical or biological conditions in the vicinity of the cooling water intake structure. The state administrative authority may require continued monitoring based on the results of the verification monitoring plan in LAC 33:IX.2525.C.2.d.iv.

3. Recordkeeping and Reporting. At a minimum, the permit must require the permittee to report and keep records as required by LAC 33:IX.2527.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1774 (August 2002).

Subchapter N. Incorporation by Reference

§2531. 40 CFR Part 136

A. 40 CFR Part 136, July 1, 2002, Guidelines Establishing Test Procedures for the Analysis of Pollutants, is hereby incorporated by reference in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003).

§2533. 40 CFR Chapter I, Subchapter N

A. 40 CFR, Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405-471, July 1, 2002, and amendments to Part 420 in 67 FR 58997, September 19, 2002; Part 430 in 67 FR 64260-64268, October 17, 2002; and Part 412 in 68 FR 7269, February 12, 2003, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003).

§2535. Availability

A. Copies of these documents may be obtained from:

Government Institutes, Inc.
4 Research Place, Suite 200
Rockville, Maryland 20850
(301) 921-2355

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter O. Criteria for Extending Compliance Dates Under Section 301(i) of the Act—Reserved

Subchapter P. Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act - Reserved

Subchapter Q. Criteria and Standards for Imposing Conditions for the Disposal of Sewage Sludge under Section 405 of the Act - Reserved

Subchapter R. Toxic Pollutant Effluent Standards and Prohibitions

§2601. Scope and Purpose

A. The provisions of this Subchapter apply to owners or operators of specified facilities discharging into waters of the state.

B. The effluent standards or prohibitions for toxic pollutants established in this Subchapter shall be applicable to the sources and pollutants hereinafter set forth, and may be incorporated in any LPDES permit, modification or renewal thereof, in accordance with the provisions of this Subchapter.

C. The provisions of LAC 33:IX.Chapter 23.Subchapters E-M and O-Q shall apply to any LPDES permit proceedings for any point source discharge containing any toxic pollutant for which a standard or prohibition is established under this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995).

§2603. Definitions

A. All terms not defined herein shall have the meaning given them in the Act or in LAC 33:IX.Chapter 23.Subchapters E-G or H-M and O-Q. As used in this Subchapter, the term:

Act—the Clean Water Act (CWA) as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

Administrator—the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under Section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

Air Emissions—the release or discharge of a toxic pollutant by an owner or operator into the ambient air either

a. by means of a stack; or

b. as a fugitive dust, mist or vapor as a result inherent to the manufacturing or formulating process.

Ambient Water Criterion—the concentration of a toxic pollutant in a waters of the state that, based upon available data, will not result in adverse impact on important aquatic life, or on consumers of such aquatic life, after exposure of that aquatic life for periods of time exceeding 96 hours and continuing at least through one reproductive cycle; and will not result in a significant risk of adverse health effects in a large human population based on available information such as mammalian laboratory toxicity data, epidemiological studies of human occupational exposures, or human exposure data, or any other relevant data.

Construction—any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

Effluent Standard—for purposes of Section 307, the equivalent of effluent limitation as that term is defined in Section 502(11) of the Act with the exception that it does not include a schedule of compliance.

Existing Source—any source which is not a new source as defined below.

Fugitive Dust, Mist or Vapor—dust, mist or vapor containing a toxic pollutant regulated under this Subchapter which is emitted from any source other than through a stack.

Manufacturer—any establishment engaged in the mechanical or chemical transformation of materials or substances into new products including but not limited to the blending of materials such as pesticidal products, resins, or liquors.

New Source—source discharging a toxic pollutant, the construction of which is commenced after proposal of an effluent standard or prohibition applicable to such source if such effluent standard or prohibition is thereafter promulgated in accordance with Section 307 of the Act.

Owner or Operator—any person who owns, leases, operates, controls, or supervises a source as defined below.

Permit—a permit for the discharge of pollutants into waters of the state under the Louisiana Pollutant Discharge Elimination System established by Section 402 of the Act and implemented in LAC 33:IX.Chapter 23.Subchapters E-M and O-Q.

Process Wastes—any designated toxic pollutant, whether in wastewater or otherwise present, which is inherent to or unavoidably resulting from any manufacturing process, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged into the waters of the state.

Prohibited—the constituent shall be absent in any discharge subject to these standards, as determined by any analytical method.

Source—any building, structure, facility, or installation from which there is or may be the discharge of toxic pollutants designated as such by the EPA or DEQ under Section 307(a)(1) of the Act.

Stack—chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

State Administrative Authority—the chief administrative officer of a State or interstate water pollution control agency operating an approved NPDES permit program. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term state administrative authority means the administrative officer authorized to perform the particular procedure to which reference is made.

Ten Year 24-Hour Rainfall Event—the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service in Technical Paper No. 40, Rainfall Frequency Atlas of the United States, May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

Working Day—the hours during a calendar day in which a facility discharges effluents subject to this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995).

§2605. Abbreviations

A. The abbreviations used in this Subchapter represent the following terms:

lb = pound (or pounds)

g = gram

µg/L = micrograms per liter (1 one-millionth gram/liter)

kg = kilogram(s)

kkg = 1000 kilogram(s)

AUTHORITY NOTE: Promulgated in accordance with R.S 30:2001 et seq , and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995)

§2607. Toxic Pollutants

A. The following are the pollutants subject to regulation under the provisions of this Subchapter:

1. Aldrin/Dieldrin-"Aldrin"—the compound aldrin as identified by the chemical name, 1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8, 8a-hexahydro-1, 4- endo-5, 8-exo-dimethanonaphthalene; "Dieldrin" means the compound dieldrin as identified by the chemical name 1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy- 1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo-5, 8-exo-dimethanonaphthalene.

2. DDT-"DDT"—the compounds DDT, DDD, and DDE as identified by the chemical names: (DDT)-1, 1, 1-trichloro-2, 2-bis(p-chlorophenyl) ethane and some o, p-isomers; (DDD) or (TDE)-1, 1-dichloro-2, 2- bis (p-chlorophenyl) ethane and some o, p-isomers; (DDE)-1, 1 -dichloro-2, 2-bis(p-chlorophenyl) ethylene.

3. Endrin-"Endrin"—the compound endrin as identified by the chemical name 1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy -1, 4, 4a, 5, 6, 7. 8, 8a-octahydro-1, 4-endo-5, 8-endodimethanonaphthalene.

4. Toxaphene-"Toxaphene"—a material consisting of technical grade chlorinated camphene having the approximate formula of $C_{10}H_{10}C_{18}$ and normally containing 67-69 percent chlorine by weight.

5. Benzidine-"Benzidine"—the compound benzidine and its salts as identified by the chemical name 4, 4 diaminobiphenyl.

6. Polychlorinated Biphenyls (PCBs)-"polychlorinated biphenyls" (PCBs)—a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE. Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995).

§2609. Compliance

A.1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the Office of Environmental Services, Permits Division of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

2. Any owner or operator who does not have a discharge subject to any toxic pollutant effluent standard at the time of such promulgation but who thereafter commences or intends to commence any activity which would result in such a discharge shall first notify the state administrative authority in the manner herein provided at least 60 days prior to any such discharge.

B. Upon receipt of any application for issuance or reissuance of a permit or for a modification of an existing permit for a discharge subject to a toxic pollutant effluent standard or prohibition the permitting authority shall proceed thereon in accordance with LAC 33:IX.Chapter 23.Subchapters E-G or H-M and O-Q, whichever is applicable.

C.1. Every permit which contains limitations based upon a toxic pollutant effluent standard or prohibition under this Subchapter is subject to revision following the completion of any proceeding revising such toxic pollutant effluent standard or prohibition regardless of the duration specified on the permit.

2. For purposes of this Section, all toxic pollutants for which standards are set under this Subchapter are deemed to be injurious to human health within the meaning of Section 402(k) of the Act unless otherwise specified in the standard established for any particular pollutant.

D.1. Upon the compliance date for any Section 307(a) toxic pollutant effluent standard or prohibition, each owner or operator of a discharge subject to such standard or prohibition shall comply with such monitoring, sampling, recording, and reporting conditions as the state administrative authority may require for that discharge. Notice of such conditions shall be provided in writing to the owner or operator.

2. In addition to any conditions required pursuant to LAC 33:IX.2609.D.1 of this Section and to the extent not required in conditions contained in LPDES permits, within 60 days following the close of each calendar year each owner or operator of a discharge subject to any toxic standard or prohibition shall report to the state administrative authorityconcerning the compliance of such discharges. Such report shall include, as a minimum, information concerning:

a. relevant identification of the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation emitting the toxic pollutant;

b. relevant conditions (pursuant to LAC 33:IX.2609.D.1 of this Section or to an LPDES permit) as to flow, Section 307(a) toxic pollutant concentrations, and Section 307(a) toxic pollutant mass emission rate; and

c. compliance by the discharger with such conditions.

3. When samples collected for analysis are composited, such samples shall be composited in proportion to the flow at time of collection and preserved in compliance with requirements of the state administrative authoritybut shall include at least five samples, collected at approximately equal intervals throughout the working day.

E.1. Nothing in these regulations shall preclude an EPA regional administrator from requiring in any permit a more stringent effluent limitation or standard pursuant to Section 301(b)(1)(C) of the Act and implemented in 40 CFR 125.11 and other related provisions of LAC 33:IX.Chapter 23.Subchapters H-M and O-Q.

2. Nothing in these regulations shall preclude the state administrative authority from requiring in any permit a more stringent effluent limitation or standard pursuant to Section 301(b)(1)(C) of the Act and implemented in 40 CFR 124.42 and other related provisions of LAC 33:IX.Chapter 23.Subchapters E-G.

F. Any owner or operator of a facility which discharges a toxic pollutant to the waters of the state and to a publicly owned treatment system shall limit the summation of the mass emissions from both discharges to the less restrictive standard, either the direct discharge standard or the pretreatment standard; but in no case will this Section allow a discharge to the waters of the state greater than the toxic pollutant effluent standard established for a direct discharge to the waters of the state.

G. In any permit hearing or other administrative proceeding relating to the implementation or enforcement of these standards, or any modification thereof, or in any judicial proceeding other than a petition for review of these standards pursuant to Section 509(b)(1)(C) of the Act, the parties thereto may not contest the validity of any national or state standards established in this Subchapter, or the ambient water criterion established herein for any toxic pollutant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2555 (November 2000), repromulgated LR 27:191 (February 2001).

§2611. Adjustment of Effluent Standard for Presence of Toxic Pollutant in the Intake Water

A. Upon the request of the owner or operator of a facility discharging a pollutant subject to a toxic pollutant effluent standard or prohibition, the state administrative authority shall give credit, and shall adjust the effluent standard(s) in such permit to reflect credit for the toxic pollutant(s) in the owner's or operator's water supply if:

1. the source of the owner's or operator's water supply is the same body of water into which the discharge is made; and if

2. it is demonstrated to the state administrative authority that the toxic pollutant(s) present in the owner's or operator's intake water will not be removed by any wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water.

B. Effluent limitations established pursuant to this Section shall be calculated on the basis of the amount of Section 307(a) toxic pollutant(s) present in the water after any water supply treatment steps have been performed by or for the owner or operator.

C. Any permit which includes toxic pollutant effluent limitations established pursuant to this Section shall also contain conditions requiring the permittee to conduct additional monitoring in the manner and locations determined by the state administrative authority for those toxic pollutants for which the toxic pollutant effluent standards have been adjusted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30.2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2613. Requirement and Procedure for Establishing a More Stringent Effluent Limitation

A. In exceptional cases:

1. where the state administrative authority determines that the ambient water criterion established in these standards is not being met or will not be met in the receiving water as a result of one or more discharges at levels allowed by these standards; and

2. where he further determines that this is resulting in or may cause or contribute to significant adverse effects on aquatic or other organisms usually or potentially present, or on human health, he may issue to an owner or operator a permit or a permit modification containing a toxic pollutant effluent limitation at a more stringent level than that required by the standard set forth in these regulations. Any such action shall be taken pursuant to the procedural provisions of LAC 33:IX.Chapter 23.Subchapters E-M and O-Q, as appropriate. In any proceeding in connection with such action the burden of proof and of going forward with evidence with regard to such more stringent effluent limitation shall be upon the state administrative authority as the proponent of such more stringent effluent limitation;

3. evidence in such proceeding shall include at a minimum: an analysis using data and other information to demonstrate receiving water concentrations of the specified toxic pollutant, projections of the anticipated effects of the proposed modification on such receiving water concentrations, and the hydrologic and hydrographic characteristics of the receiving waters including the occurrence of dispersion of the effluent. Detailed specifications for presenting relevant information by any interested party may be prescribed in guidance documents published from time to time, whose availability will be announced in the *Federal Register*.

B. Any effluent limitation in an LPDES permit which a state proposes to issue which is more stringent than the toxic pollutant effluent standards promulgated by the administrator is subject to review by the administrator under Section 402(d) of the Act. The administrator may approve or disapprove such limitation(s) or specify another limitation(s) upon review of any record of any proceedings held in connection with the permit issuance or modification and any other evidence available to him. If he takes no action within 90 days of his receipt of the notification of the action of the permit issuing authority and any record thereof, the action of the state permit issuing authority shall be deemed to be approved.

AUTHORITY NOTE: Promulgated in accordance with R.S 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2615. Compliance Date

A. The effluent standards or prohibitions set forth herein shall be complied with not later than one year after promulgation unless an earlier date is established by the administrator for an industrial subcategory in the promulgation of the standards or prohibitions.

B. Toxic pollutant effluent standards or prohibitions set forth herein shall become enforceable under Sections 307(d) and 309 of the Act on the date established in LAC 33:IX.2615.A regardless of proceedings in connection with the issuance of any LPDES permit or application therefor, or modification or renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2617. Aldrin/Dieldrin

A. Specialized Definitions

1. *Aldrin/Dieldrin Manufacturer*—a manufacturer, excluding any source which is exclusively an aldrin/dieldrin formulator, who produces, prepares or processes technical aldrin or dieldrin or who uses aldrin or dieldrin as a material in the production, preparation or processing of another synthetic organic substance.

2. *Aldrin/Dieldrin Formulator*—a person who produces, prepares or processes a formulated product comprising a mixture of either aldrin or dieldrin and inert materials or other diluents, into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for aldrin/dieldrin in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Aldrin/Dieldrin Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2617.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

b. New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

C. Aldrin/Dieldrin Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2617.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

b. New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995)

§2619. DDT, DDD, and DDE

A. Specialized Definitions

1. *DDT Manufacturer*—a manufacturer, excluding any source which is exclusively a DDT formulator, who produces, prepares or processes technical DDT, or who uses DDT as a material in the production, preparation or processing of another synthetic organic substance.

2. *DDT Formulator*—a person who produces, prepares or processes a formulated product comprising a mixture of DDT and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for DDT in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. DDT Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2619. B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. DDT is prohibited in any discharge from any DDT manufacturer.

b. New Sources. DDT is prohibited in any discharge from any DDT manufacturer.

C. DDT Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2619.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. DDT is prohibited in any discharge from any DDT formulator.

b. New Sources. DDT is prohibited in any discharge from any DDT formulator.

AUTHORITY NOTE. Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2621. Endrin

A. Specialized Definitions

1. *Endrin Manufacturer*—a manufacturer, excluding any source which is exclusively an endrin formulator, who produces, prepares or processes technical endrin or who uses endrin as a material in the production, preparation or processing of another synthetic organic substance.

2 *Endrin Formulator*—person who produces, prepares or processes a formulated product comprising a mixture of endrin and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for endrin in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Endrin Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2621.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531).

3. Effluent Standard

a. Existing Sources. Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 1.5 µg/L calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0006 kg/kkg of endrin produced; and shall not exceed 7.5 µg/L in a sample(s) representing any working day.

b. New Sources. Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 0.1 µg/L calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00004 kg/kkg of endrin produced; and shall not exceed 0.5 µg/L in a sample(s) representing any working day.

c. Mass Emission Standard During Shutdown of Production. In computing the allowable monthly average daily loading figure required under the preceding Subparagraphs B.3.a and b of this Section, for any calendar month for which there is no endrin being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

C. Endrin Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2621.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to storm-water runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Endrin is prohibited in any discharge from any endrin formulator.

b. New Sources. Endrin is prohibited in any discharge from any endrin formulator.

D. The standards set forth in this Section shall apply to the total combined weight or concentration of endrin, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2623. Toxaphene

A. Specialized Definitions

1. *Toxaphene Manufacturer*—a manufacturer, excluding any source which is exclusively a toxaphene formulator, who produces, prepares or processes toxaphene or who uses toxaphene as a material in the production, preparation or processing of another synthetic organic substance.

2. *Toxaphene Formulator*—a person who produces, prepares or processes a formulated product comprising a mixture of toxaphene and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for toxaphene in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Toxaphene Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a

result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2623.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531).

3. Effluent Standard

a. Existing Sources. Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 µg/L calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00003 kg/kkg of toxaphene produced, and shall not exceed 7.5 µg/L in a sample(s) representing any working day.

b. New Sources. Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 µg/L calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.000002 kg/kkg of toxaphene produced, and shall not exceed 0.5 µg/L in a sample(s) representing any working day.

c. Mass Emission During Shutdown of Production. In computing the allowable monthly average daily loading figure required under the preceding Subparagraphs B.3.a and b of this Section, for any calendar month for which there is no toxaphene being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

C. Toxaphene Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2623.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standards

a. Existing Sources. Toxaphene is prohibited in any discharge from any toxaphene formulator.

b. New Sources. Toxaphene is prohibited in any discharge from any toxaphene formulator.

D. The standards set forth in this Section shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30.2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2625. Benzidine

A. Specialized Definitions

1. *Benzidine Manufacturer*—a manufacturer who produces benzidine or who produces benzidine as an intermediate product in the manufacture of dyes commonly used for textile, leather and paper dyeing.

2. *Benzidine-Based Dye Applicator*—an owner or operator who uses benzidine-based dyes in the dyeing of textiles, leather or paper.

3. The ambient water criterion for benzidine in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Benzidine Manufacturer

1. Applicability

a. These standards apply to:

i. all discharges into the waters of the state of process wastes; and

ii. all discharges into the waters of the state of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2625.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to

contamination solely by fallout from air emissions of benzidine; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531).

3. Effluent Standards

a. Existing Sources. Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 µg/L calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 µg/L in a sample(s) representing any working day.

b. New Sources. Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 µg/L calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 µg/L in a sample(s) representing any working day.

4. The standards set forth in LAC 33:IX.2625 shall apply to the total combined weight or concentration of benzidine, excluding any associated element or compound.

C. Benzidine-Based Dye Applicators

1. Applicability

a. These standards apply to:

i. all discharges into the waters of the state of process wastes; and

ii. all discharges into the waters of the state of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2625.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable

a. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531); or

b. Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified in writing by the manufacturer) by the total quantity of water discharged during the working day.

[Comment: The state administrative authority shall rely entirely upon the method specified in 40 CFR Part 136 (LAC 33:IX.2531) in analyses performed for enforcement purposes.]

3. Effluent Standards

a. Existing Sources. Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 µg/L calculated over any calendar month; and shall not exceed 25 µg/L in a sample(s) or calculation(s) representing any working day.

b. New Sources. Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 µg/L calculated over any calendar month; and shall not exceed 25 µg/L in a sample(s) or calculation(s) representing any working day.

4. The standards set forth in LAC 33:IX.2625.C shall apply to the total combined concentrations of benzidine, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE. Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2627. Polychlorinated Biphenyls (PCBs)

A. Specialized Definitions

1. *PCB Manufacturer*—a manufacturer who produces polychlorinated biphenyls.

2. *Electrical Capacitor Manufacturer*—a manufacturer who produces or assembles electrical capacitors in which PCB or PCB-containing compounds are part of the dielectric.

3. *Electrical Transformer Manufacturer*—a manufacturer who produces or assembles electrical transformers in which PCB or PCB-containing compounds are part of the dielectric.

4. The ambient water criterion for PCBs in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. PCB Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes;

ii. all discharges from the manufacturing or incinerator areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627. B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable-Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531) except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any PCB manufacturer.

b. New Sources. PCBs are prohibited in any discharge from any PCB manufacturer.

C. Electrical Capacitor Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer.

b. New Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer.

D. Electrical Transformer Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627.D.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR Part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer.

b. New Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer.

E. Adjustment of effluent standard for presence of PCBs in intake water. Whenever a facility which is subject to these standards has PCBs in its effluent which result from the presence of PCBs in its intake waters, the owner may apply to the state administrative authority for a credit pursuant to the provisions of LAC 33:IX.2611, where the source of the water supply is the same body of water into which the discharge is made. The requirement of LAC 33:IX.2611.A.1, relating to the source of the water supply, shall be waived, and such facility shall be eligible to apply for a credit under LAC 33:IX.2611, upon a showing by the owner or operator of such facility to the state administrative authority that the concentration of PCBs in the intake water supply of such facility does not exceed the concentration of PCBs in the receiving waterbody to which the plant discharges its effluent.

AUTHORITY NOTE Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter S. Secondary Treatment under the LPDES Program

§2641. Purpose

A. This Subchapter provides information on the level of effluent quality attainable through the application of secondary or equivalent treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2643. Definitions

A. Terms used in this Subchapter are defined as follows:

7-day Average—the arithmetic mean of pollutant parameter values for samples collected in a period of seven consecutive days.

30-day Average—the arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

Act—the Clean Water Act (CWA) as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

BOD_5—the five day measure of the pollutant parameter biochemical oxygen demand (BOD).

$CBOD_5$—the five day measure of the pollutant parameter carbonaceous biochemical oxygen demand (CBOD).

Effluent Concentrations Consistently Achievable through Proper Operation and Maintenance—for a given pollutant parameter:

a. the 95th percentile value for the 30-day average effluent quality achieved by a treatment works in a period of at least two years excluding values attributable to upsets, bypasses, operational errors, or other unusual conditions; and

b. a 7-day average value equal to 1.5 times the value derived under LAC 33:IX.2643.F.1.

Facilities Eligible for Treatment Equivalent to Secondary Treatment—treatment works shall be eligible for consideration for effluent limitations described for treatment equivalent to secondary treatment (LAC 33:IX.2651), if:

a. the BOD_5 and TSS effluent concentrations consistently achievable through proper operation and maintenance (LAC 33:IX.2643.F) of the treatment works exceed the minimum level of the effluent quality set forth in LAC 33:IX.2645.A and B;

b. a trickling filter or waste stabilization pond is used as the principal process; and

c. the treatment works provide significant biological treatment of municipal wastewater.

mg/L—milligrams per liter.

NPDES—National Pollutant Discharge Elimination System.

Percent Removal—a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period.

Significant Biological Treatment—the use of an aerobic or anaerobic biological treatment process in a treatment works to consistently achieve a 30-day average of at least 65 percent removal of BOD_5.

Significantly More Stringent Limitation—the BOD_5 and TSS limitations necessary to meet the percent removal requirements of at least 5 mg/L more stringent than the otherwise applicable concentration-based limitations (e.g., less than 25 mg/L in the case of the secondary treatment limits for BOD_5 and TSS), or the percent removal limitations in LAC 33:IX.2645 and 2651, if such limits would, by themselves, force significant construction or other significant capital expenditure.

State Administrative Authority—the chief administrative officer of any state or interstate agency operating an approved program, or the delegated representative of the state administrative authority. If responsibility is divided among two or more state or interstate agencies, state administrative authority means the chief administrative officer of the state or interstate agency authorized to perform the particular procedure or function to which reference is made.

TSS—the pollutant parameter total suspended solids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2645. Secondary Treatment

The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the parameters BOD_5, TSS, and pH. All requirements for each parameter shall be achieved except as provided in LAC 33:IX.2647 and 2651.

A. BOD_5

1. The 30-day average shall not exceed 30 mg/L.

2. The 7-day average shall not exceed 45 mg/L.

3. The 30-day average percent removal shall not be less than 85 percent.

4. At the option of the LPDES permitting authority, in lieu of the parameter BOD_5 and the levels of the effluent quality specified in LAC 33:IX.2645.A.1-3, the parameter $CBOD_5$ may be substituted with the following levels of the $CBOD_5$ effluent quality provided:

a. the 30-day average shall not exceed 25 mg/L;

b. the 7-day average shall not exceed 40 mg/L;

c. the 30-day average percent removal shall not be less than 85 percent.

B. TSS

1. The 30-day average shall not exceed 30 mg/L.

2. The 7-day average shall not exceed 45 mg/L.

3. The 30-day average percent removal shall not be less than 85 percent.

C. pH. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the publicly owned treatment works demonstrates that:

1. inorganic chemicals are not added to the waste stream as part of the treatment process; and

2. contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30.2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2647. Special Considerations

A. Combined Sewers. Treatment works subject to this Subchapter may not be capable of meeting the percentage removal requirements established under LAC 33:IX.2645.A.3 and B.3, or 2651.A.3 and B.3 during wet weather where the treatment works receive flows from combined sewers (i.e., sewers which are designed to transport both storm water and sanitary sewage). For such treatment works, the decision must be made on a case-by-case basis as to whether any attainable percentage removal level can be defined, and if so, what the level should be.

B. Industrial Wastes. For certain industrial categories, the discharge to navigable waters of BOD_5 and TSS permitted under Sections 301(b)(1)(A)(i), (b)(2)(E) or 306 of the Act may be less stringent than the values given in LAC 33:IX.2645.A.1, 4.a, B.1, 2651.A.1, B.1, and E.1.a. In cases when wastes would be introduced from such an industrial category into a publicly owned treatment works, the values for BOD_5, and TSS in LAC 33:IX.2645.A.1, 4.a, B.1, 2651.A.1, B.1, and E.1.a may be adjusted upwards provided that:

1. the permitted discharge of such pollutants, attributable to the industrial category, would not be greater than that which would be permitted under Sections 301(b)(1)(A)(i), 301(b)(2)(E) or 306 of the Act if such industrial category were to discharge directly into the navigable waters; and

2. the flow or loading of such pollutants introduced by the industrial category exceeds 10 percent of the design flow or loading of the publicly owned treatment works. When such an adjustment is made, the values for BOD_5 or TSS in LAC 33:IX.2645.A.2, 4.b, B.2, 2651.A.2, B.2, and E.1.b should be adjusted proportionately.

C. Waste Stabilization Ponds. The EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, is authorized to adjust the minimum levels of effluent quality set forth in LAC 33:IX.2651.B.1-3 for treatment works subject to this Subchapter, to conform to the TSS concentrations achievable with waste stabilization ponds, provided that:

1. waste stabilization ponds are the principal process used for secondary treatment; and

2. operation and maintenance data indicate that the TSS values specified in LAC 33:IX.2651.B.1-3 cannot be achieved. The term *TSS concentrations achievable with waste stabilization ponds* means a TSS value, determined by the EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, which is equal to the effluent concentration achieved 90 percent of the time within the state or appropriate contiguous geographical area by waste stabilization ponds that are achieving the levels of effluent quality for BOD_5 specified in LAC 33:IX.2651.A.1.

D. Less Concentrated Influent Wastewater for Separate Sewers. The EPA regional administrator, or if appropriate, state administrative authority is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in LAC 33:IX.2645.A.3, 4.b, B.3, 2651.A.3, B.3, and E.1.c provided that the permittee satisfactorily demonstrates that:

1. the treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated influent wastewater;

2. to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards; and

3. the less concentrated influent wastewater is not the result of excessive Inflow/Infiltration (I/I). The determination of whether the less concentrated wastewater is the result of excessive I/I will use the definition of excessive I/I in 40 CFR 35.2005(b)(16) plus the additional criterion that inflow is nonexcessive if the total flow to the POTW (i.e., wastewater plus inflow plus infiltration) is less than 275 gallons per capita per day.

E. Less Concentrated Influent Wastewater for Combined Sewers during Dry Weather. The EPA regional administrator or, if appropriate the state administrative authority, is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in LAC 33:IX.2645.A.3, A.4.c, B.3, or 2451.A.3, B.3, and E.1.c provided that the permittee satisfactorily demonstrates that:

1. the treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limitations, but the percent removal requirements cannot be met due to less concentrated influent wastewater;

2. to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent effluent concentrations than would otherwise be required by the concentration-based standards; and

3. the less concentrated influent wastewater flows not result from either excessive infiltration or clear water industrial discharges during dry weather periods. The determination of whether the less concentrated wastewater results from excessive infiltration is discussed in 40 CFR 35.2005(b)(28), plus the additional criterion that either 40 gallons per capita per day (gpcd) or 1500 gallons per inch diameter per mile of sewer (gpdim) may be used as the threshold value for that portion of the dry weather base flow attributed to the infiltration. If the less concentrated influent wastewater is the result of clear water industrial discharges, then the treatment works must control such discharges pursuant to LAC 33:IX.Chapter 23.Subchapter T.

AUTHORITY NOTE: Promulgated in accordance with R.S 30:2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995)

§2649. Sampling and Test Procedures

A. Sampling and test procedures for pollutants listed in this Subchapter shall be in accordance with guidelines promulgated by the administrator in 40 CFR Part 136 (See LAC 33:IX.2531).

B. Chemical oxygen demand (COD) or total organic carbon (TOC) may be substituted for BOD_5 when a long-term BOD:COD or BOD:TOC correlation has been demonstrated.

AUTHORITY NOTE: Promulgated in accordance with R.S 30.2001 et seq., and in particular 2074(B)(3) and (4)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995).

§2651. Treatment Equivalent to Secondary Treatment

This Section describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.2643.*Facilities Eligible for Treatment Equivalent to Secondary Treatment*) in terms of the parameters BOD_5, TSS and pH. All requirements for the specified parameters in LAC 33:IX.2651.A, B, and C shall be achieved except as provided for in LAC 33:IX.2647, or 2651.D, E, or F.

A. BOD_5

1. The 30-day average shall not exceed 45 mg/L.

2. The 7-day average shall not exceed 65 mg/L.

3. The 30-day average percent removal shall not be less than 65 percent.

B. TSS. Except where TSS values have been adjusted in accordance with LAC 33:IX.2647.C:

1. the 30-day average shall not exceed 45 mg/L;

2. the 7-day average shall not exceed 65 mg/L;

3. the 30-day average percent removal shall not be less than 65 percent.

C. pH. The requirements of LAC 33:IX.2645.C shall be met.

D. Alternative State Requirements. Except as limited by LAC 33:IX.2651.F, and after notice and opportunity for public comment, the EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, is authorized to adjust the minimum levels of effluent quality set forth in LAC 33:IX.2651.A.1-2, and B.1-2 for trickling filter facilities and in LAC 33:IX.2651.A.1-2 for waste stabilization pond facilities, to conform to the BOD_5 and TSS effluent concentrations consistently achievable through proper operation and maintenance (LAC 33:IX.2643.F) by the median (50th percentile) facility in a representative sample of facilities within the state or appropriate contiguous geographical area that meet the definition of facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.2643.G).

E. $CBOD_5$ Limitation

1. Where data are available to establish $CBOD_5$ limitations for a treatment works subject to this Section, the LPDES permitting authority may substitute the parameter $CBOD_5$ for the parameter BOD_5 in LAC 33:IX.2651.A.1-3, on a case-by-case basis provided that the levels of $CBOD_5$ effluent quality are not less stringent than the following:

a. the 30-day average shall not exceed 40 mg/L;

b. the 7-days average shall not exceed 60 mg/L;

c. the 30-day average percent removal shall not be less than 65 percent.

2. Where data are available, the parameter $CBOD_5$ may be used for effluent quality limitations established under LAC 33:IX.2651.D. Where concurrent BOD effluent data are available, they must be submitted with the CBOD data as a part of the approval process outlined in LAC 33:IX.2651.D.

F. Permit Adjustments. Any permit adjustment made pursuant to this Subchapter may not be any less stringent than the limitations required pursuant to LAC 33:IX.2651.A-E. Furthermore, permitting authorities shall require more stringent limitations when adjusting permits if:

1. for existing facilities the permitting authority determines that the 30-day average and 7-day average BOD_5 and TSS effluent values that could be achievable through proper operation and maintenance of the treatment works, based on an analysis of the past performance of the treatment works, would enable the treatment works to achieve more stringent limitations; or

2. for new facilities, the permitting authority determines that the 30-day average and 7-day average BOD_5 and TSS effluent values that could be achievable through proper operation and maintenance of the treatment works, considering the design capability of the treatment process and geographical and climatic conditions, would enable the treatment works to achieve more stringent limitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23.726 (June 1997)

Subchapter T. General Pretreatment Regulations for Existing and New Sources of Pollution

§2701. Purpose and Applicability

A. This Subchapter implements Sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(l)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307, 308, 309. 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217) or "The Act." It establishes responsibilities of federal, state, and local government, industry and the public to implement national pretreatment standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works (POTWs) or which may contaminate sewage sludge.

B. This regulation applies:

1. to pollutants from non-domestic sources covered by pretreatment standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in LAC 33:IX.2313;

2. to POTWs which receive wastewater from sources subject to national pretreatment standards;

3. to states which have or are applying for National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with Section 402 of the CWA; and

4. to any new or existing source subject to pretreatment standards. National pretreatment standards do not apply to sources which discharge to a sewer which is not connected to a POTW treatment plant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995)

§2703. Objectives of General Pretreatment Regulations

By establishing the responsibilities of government and industry to implement national pretreatment standards this regulation fulfills three objectives:

A. to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

B. to prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and

C. to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular 2074(B)(3) and (4).

HISTORICAL NOTE. Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21.945 (September 1995).

§2705. Definitions

A. For purposes of this Subchapter, except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this regulation.

Act—the Clean Water Act (CWA as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

Approval Authority—the state administrative authority in an NPDES state with an approved state pretreatment program and the appropriate EPA regional administrator in a non NPDES state or NPDES state without an approved state pretreatment program.

Approved POTW Pretreatment Program or *Program* or *POTW Pretreatment Program*—a program administered by a POTW that meets the criteria established in this regulation (LAC 33:IX.2715 and 2717) and which has been approved by a EPA regional administrator or state administrative authority in accordance with LAC 33:IX.2721 of this regulation.

EPA Regional Administrator—the appropriate EPA Regional Administrator.

Indirect Discharge or *Discharge*—the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

Industrial User or *User*—a source of indirect discharge.

Interference—a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes or operations, use or disposal; and

b. therefore is a cause of a violation of any requirement of the POTW's LPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

National Pretreatment Standard, Pretreatment Standard, or *Standard*—any regulation containing pollutant discharge